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EXAMINER
TODD, GREGORY G

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/372,898	JOHNSON ET AL.
	Examiner	Art Unit
	Gregory G Todd	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 33-64* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 33-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *28 August 2003* is: a)☒ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   This is a second office action in response to applicant's amendment filed, 28 August 2003, of application filed, with the above serial number, on 12 August 1999 in which claims 16-27 and 65-90 have been cancelled and claims 1, 8, 33, 37, 44, 45, 56, 58, and 61 have been amended. Claims 1-15 and 33-64 are therefore pending in the application.

2.   There are numerous errors in the applicant's response to the first office action. On page 1, applicant states claims 2-32 have been withdrawn, however it is assumed to be 29-32 having been withdrawn. Claims 44 and 61 are disclosed as being original, however, the claims are amended. On page 1 and 2 of the remarks applicant states claims 16, 74 and 77, 86 as having been amended, however, the claims are considered cancelled. Further, there is no mention at all in the remarks of a claim 93, however it is now considered pending. Further, the amendment is declared on the top of each page as being a preliminary amendment under CFR 1.182, however, the amendment is recorded after the first office action and is thus not eligible for preliminary status.

Drawings

3.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the a) raw data conversion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 33-34, 43-45, 47, 50-58, and 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Logan et al (hereinafter "Logan", 5,732,216).

6.   As per Claim 33, Logan discloses a method for providing directed information, including advertising and non-advertising content, to a playback device based on a closed loop operation, wherein Logan discloses:

receiving user information (subscriber preferences / demographics) (at least col. 5, lines 33-45);

obtaining directed information from one or more information sources based at least in part on the user information (at least col. 7, lines 16-25);

formatting the directed information into a content package, the content package including one or more content segments (ordering segment sequencing) (at least col. 7, lines 35-40; col. 7, line 50 - col. 8 line 8);

assigning a unique identifier to each content segment within the content package (ProgramID) (at least Fig. 5; col. 7, lines 30-34);

delivering the content package along with the unique identifier for each content segment of the content package to the playback device (downloading files) (at least col. 7, lines 20-30); and

receiving response information from the playback device, the response information including the unique identifier of a previously delivered content segment associated with the response (program segments desired by subscriber upload and response associated with playing of segment) (at least col. 6, lines 9-26; col. 17, lines 42-61).

7.   As per Claim 34.

wherein the step of obtaining directed information from one or more information sources comprises the steps of parsing the user information to obtain a schedule; and accessing an information source to obtain information in accordance with the schedule (adding advertisements...produce schedule table) (at least col. 17, lines 23-41).

8.   As per Claim 43.

wherein the step of obtaining directed information from one or more information sources comprises the step of obtaining information based at least in part on the response information (download newly updates user selections) (at least col. 6, lines 19-25).

9.   As per Claim 44.

wherein the step of delivering the content package comprises the steps of

parsing the user information to obtain a delivery schedule; and delivering the content

package in accordance with the delivery schedule (next programming download) (at

least col. 8, lines 28-48).

10.   As per Claim 45, Logan discloses a mobile application server comprising:

a website accessible to a user for inputting user information comprising a user

name, profile information, preference information, and scheduling information (HTML

forms for account initialization) (at least col. 9, lines 5-41);

a user database for storing the user information (at least col. 5, lines 32-45); and

a server application for retrieving the preference information (subscriber

preferences / demographics) (at least col. 5, lines 33-45), retrieving web content from a

content source (at least col. 7, lines 16-25), creating information content segments for

the user based at least in part on the preference information and the web content

(compiling files) (at least col. 7, lines 15-20), creating a content package (selections file

along with segments) (at least col. 11, lines 21-25), and delivering the content package

to a playback device (downloading files) (at least col. 7, lines 20-30), said server

application further functional to receive response information associated with previously

downloaded segments from the playback device and initiate actions based on the

response information (program segments desired by subscriber upload and response

associated with playing of segment) (at least col. 6, lines 9-26; col. 17, lines 42-61).

11.   As per Claim 47.

wherein the mobile application server further comprises an advertising database

for storing advertisement content segments that include audio advertisements (at least

Fig. 4; col. 24, lines 37-50; col. 4 line 66 - col. 5 line 5).

12.   As per Claim 50.

wherein the server application assigns a unique identifier to each information

content segment and maintains a database of unique identifiers and associated

information content segment (ProgramID) (at least Fig. 5; col. 7, lines 30-34).

13.   As per Claim 51.

wherein the server application assigns a unique identifier to each advertisement

content segment and stores that unique identifier in the advertisement database

associated with the advertisement content segments (ProgramID) (at least Fig. 4, 5; col.

7, lines 30-34).

14.   As per Claim 52.

wherein profile information comprises the company, email address, shipping

address, delivery address, and credit card information of a user (at least col. 9, lines 28-

41; col. 21, lines 6-30).

15.   As per Claim 53.

wherein preference information includes desired content and content categories

(categories of interest) (at least col. 9, lines 28-41).

16.   As per Claim 54.

wherein the server application retrieves web content, creates information content

segments and creates content packages based on the scheduling information of a user

(adding advertisements...produce schedule table) (at least col. 17, lines 23-41).

17.   As per Claim 55.

wherein the web content comprises textual, audio and video data (at least col. 4

line 59 - col. 5 line 5).

18.   As per Claim 56, Logan discloses a method of delivering content and receiving

responses to the content, wherein the content includes web based information, wherein

Logan discloses:

aggregating a content package, the content package including at least one

content segment (selections file along with segments) (at least col. 11, lines 21-25);

delivering the content package to a playback device (downloading files) (at least

col. 7, lines 20-30);

receiving a response from the playback device, the response being associated

with a particular previously delivered content segment (program segments desired by

subscriber upload and response associated with playing of segment) (at least col. 6,

lines 9-26; col. 17, lines 42-61); and

initiating actions based on the responses (processing for download compilation)

(at least col. 6, lines 9-26).

19.   As per Claim 57.

wherein the step of aggregating a content package further comprises the step of

inserting at least one advertising content segment into the content package (at least col.

7, lines 16-20).

20.   As per Claim 58.

wherein the step of inserting an advertising content segment further comprises

the steps of examining a user's profile information; and selecting the advertising content

segment based at least in part on the user's profile information (subscriber preferences /

demographics) (at least col. 5, lines 33-45).

21.   As per Claim 62.

wherein the step of aggregating a content package further comprises the steps

of: examining a user's preference information; and gathering web based information as

content segments based, at least in part, on the user's preference information (at least

col. 5, lines 33-35; col. 7, lines 16-20).

22.   As per Claim 63.

wherein the step of delivering the content package to a playback device further

comprises the step of examining a user's schedule information and delivering the

content package to the user based, at least in part, on that schedule information

(downloading at time established by user/player) (at least col. 7, lines 20-35).

23.   As per Claim 64.

wherein the step of delivering the content package to a playback device further

comprises the step of receiving a content package delivery request from the playback

device and downloading the content package in response to said request (next

download's programming) (at least col. 8, lines 28-40).

Claim Rejections - 35 USC § 103

24.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

25.   Claims 1-3 and 5-15 and 93 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan et al (hereinafter "Logan", 5,732,216) in view of Kikinis

(hereinafter "Kikinis", 6,055,566).

26.   As per Claim 1, Logan discloses a closed loop system for delivering information

obtained from an information content source to a playback device, wherein Logan

discloses:

a mobile-content server comprising:

a website interconnected to the information content source, operating on

the mobile-content server and available for access by a user (HTML forms for

account initialization) (at least col. 9, lines 5-41);

a database for storing, among other things, user information (at least col.

5, lines 32-45); and

a server application operating on the mobile-content server and enabling the

mobile-content server to:

retrieve the user information from the database (subscriber preferences /

demographics) (at least col. 5, lines 33-45);

obtain content segments from the information content source (data

source) (at least col. 7, lines 16-25; col. 35, lines 64-67);

create a content package including at least one content segment

(selections file along with segments) (at least col. 11, lines 21-25);

deliver the content package to a client platform (downloading files) (at

least col. 7, lines 20-30); and

receive response information from the client platform, the response

information being associated with at least one previously delivered content

segment (program segments desired by subscriber upload and response

associated with playing of segment) (at least col. 6, lines 9-26; col. 17, lines 42-

61).

the client platform comprising:

a web browser for interacting with the website operating on the mobile-content

server (at least col. 9, lines 6-10); and

a client application operating on the client platform and enabling the client

platform to:

download the content package from the mobile-content server to the playback

device (downloading files) (at least col. 7, lines 20-30);

receive response information initiated by a user of the playback device, the

response information being associated with a currently active segment (program

segments desired by subscriber upload according to serialized current program and

user-recorded comments) (at least col. 6, lines 9-26; col. 18, lines 54-67; col. 17, lines

43-60); and

deliver the response information to the mobile-content server (uploading program

selections) (at least col. 4, lines 26-37).

Logan does not disclose the structural relationship of a playback device being

connected to a client platform, which is then connected to the server. However, the use

and advantages for using such a structure is well known to one skilled in the art at the

time the invention was made as evidenced by the teachings of Kikinis. Kikinis discloses

a playback device that can be disconnected from a PC client, the client acting as a

middleman between the playback device and the server (at least col. 2 line 66 - col. 3

line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of having a portable device for use

of playing back as this would offer mobility to a user when a user cannot be stationary,

as Logan suggests mobile use (at least col. 6, lines 52-61).

27.   As per Claim 2.

Logan does not explicitly disclose the server application operating on the

mobile-content server, further enables the mobile-content server to convert information

obtained in a textual data format from the information content source into an audio

format. However, Logan does disclose the client platform as doing the conversion (at

least col. 5, lines 16-31), which requires less data to transmit the text from the server to

the client. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate the use of the server doing the conversion

as this would allow a playback device to do less computation and processing and in

most cases a faster conversion.

28.   As per Claim 3.

        wherein the mobile-content server further comprises an advertising database for

storing advertisement segments (at least Fig. 4; col. 24, lines 37-50; col. 4 line 66 - col.

5 line 5).

29.   As per Claim 5.

        wherein the server application selects the advertisement segments from the

advertising database based, at least in part, on the user information (matching step) (at

least Fig. 4; col. 17, lines 23-41).

30.   As per Claim 6.

        wherein the server application assigns a unique identifier to each content

segment and maintains a database of unique identifiers and associated content

segments (ProgramID) (at least Fig. 5; col. 7, lines 30-34).

31.   As per Claim 7.

        wherein user information comprises name, company, email address, shipping

address, delivery address, and credit card information of the user (at least col. 9, lines

28-41; col. 21, lines 6-30).

32.   As per Claim 8.

wherein user information includes preference information identifying specific

content and content categories that the user desires (categories of interest) (at least col.

9, lines 28-41).

33.   As per Claim 9.

wherein the user information includes scheduling information and the server

application retrieves information from an information content source and creates the

content package based on the scheduling information (adding advertisements...produce

schedule table) (at least col. 17, lines 23-41).

34.   As per Claim 10.

wherein the user information includes scheduling information and the server

application delivers the content package to the client platform based on the scheduling

information (adding advertisements...produce schedule table, transferred to subscriber)

(at least col. 17, lines 23-41).

35.   As per Claim 11.

Logan does not disclose the client platform delivers the content package based

on a user's request generated at the client platform. However, the use and advantages

for using such a request is well known to one skilled in the art at the time the invention

was made as evidenced by the teachings of Kikinis (at least col. 3, lines 1-8; col. 4, lines

23-32). Kikinis discloses the playback device connecting to the client to download the

information. Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to incorporate the use of Kikinis' playback device

collecting the information when connecting to the client into Logan's system because

this would allow the device to collect the information that they had subscribed to so they

could use the newly downloaded information from the server.

36.   As per Claim 12.

wherein at least one of the content segments includes textual data (at least col. 4

line 59 - col. 5 line 5).

37.   As per Claim 13.

wherein at least one of the content segments includes audio data (at least col. 4

line 59 - col. 5 line 5)..

38.   As per Claim 14.

wherein at least one of the content segments includes video data (at least col. 4

line 59 - col. 5 line 5).

39.   As per Claim 15.

wherein the mobile-content server and the client platform are included within a

single computer system (Logan's system of (101) having client and server platforms in

one) (at least col. 5, lines 32-45; col. 6, lines 27-61; Fig. 1).

40.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in

view of Kikinis and further in view of Cook et al (hereinafter "Cook", 6,338,044).

Logan and Kikinis do not explicitly disclose the server application creates the

content package by aggregating information content segments and advertisement

content segments juxtaposed between each information content segment. However, the

use and advantages for using such a packaging method is well known to one skilled in

the art at the time the invention was made as evidenced by the teachings of Cook (at

least Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to implement the use of Cook's juxtaposing into

Logan's system as this would allow the advertisements to follow the television format of

inserting commercials throughout a program, which is a most effective way of

advertising.

41.   Claim 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Logan in view of Havens (hereinafter "Havens", 5,752,242).

42.   As per Claims 35, 38 and 39, Logan does not explicitly disclose parsing the user

information to obtain a search term, and identifying an Internet accessible address of an

information source containing the directed information (in the format of one or more

content segments) related to the search term; and initiating the download of the

information related to the search term. However, the use and advantages for using such

a collection method is well known to one skilled in the art at the time the invention was

made as evidenced by the teachings of Havens. Havens discloses using filters to

search web sites for specific parameters (at least Havens col. 3, lines 25-37; Fig. 2b).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate Haven's searching method into Logan because this

would further enhance Logan's collecting of a good library to fit a particular need of a

user (at least Logan col. 28, lines 1-9).

43.   As per Claims 36 and 40, Logan does not explicitly disclose parsing the user

information to obtain a search term; searching the Internet (address) based on the

search term to identify an information source containing information, in a raw data

format , related to the search term; and initiating the download of the information related

to the search term. However, the use and advantages for using such a collection

method is well known to one skilled in the art at the time the invention was made as

evidenced by the teachings of Havens. Havens discloses using filters to search raw

data (text) for web sites specific parameters (at least Havens Fig. 6; col. 3, lines 25-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate Haven's searching method into Logan because this

would further enhance Logan's collecting of a good library to fit a particular need of a

user (at least Logan col. 28, lines 1-9).

44.   As per Claims 37 and 41.

        wherein the step of formatting the information into a content package comprises

the step of converting the information from a raw data format into one or more content

segments (converting from text to speech/audio) (at least col. 5, lines 16-31).

45.   As per Claim 42, Logan does not explicitly disclose parsing the user information

to obtain a search term, and identifying an Internet accessible address of an information

source containing the desired information in the format of a content package; and

initiating the download of the information related to the search term. However, the use

and advantages for using such a collection method is well known to one skilled in the art

at the time the invention was made as evidenced by the teachings of Havens. Havens

discloses using filters to perform a nested search request of web sites for specific

parameters (at least Havens col. 3, lines 25-37; Fig. 2b; col. 4 line 65 - col. 5 line 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate Haven's searching method into Logan because this

would further enhance Logan's collecting of a good library to fit a particular need of a

user (at least Logan col. 28, lines 1-9).

46.   Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Logan in view of De Rafael et al (hereinafter "DeRafael", 6,529,878).

Logan does not disclose crediting the user with points as a function of the

information that the user supplies in the user's profile information, redeeming the user's

points for cash or discounts with advertisers. However, the use and advantages for

using such a redemption method is well known to one skilled in the art at the time the

invention was made as evidenced by the teachings of DeRafael. DeRafael discloses

receiving credits (points) and redeeming for cash or goods from the advertiser.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the use of DeRafael's rewarding a consumer into

Logan's system as this would provide more incentive for a user to not skip past the

advertisements and promote a higher throughput of consumer's following an

advertisement and the advertiser having a higher chance of a user buying their product.

47.   Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Logan in view of Cook et al (hereinafter "Cook", 6,338,044).

48.   As per Claim 48.

Logan does not explicitly disclose the server application creates the content

package by aggregating information content segments and advertisement content

segments juxtaposed between each information content segment. However, the use

and advantages for using such a packaging method is well known to one skilled in the

art at the time the invention was made as evidenced by the teachings of Cook (at least

Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to implement the use of Cook's juxtaposing into Logan's

system as this would allow the advertisements to follow the television format of inserting

commercials throughout a program, which is a most effective way of advertising.

49.   As per Claim 49.

wherein the server application selects the advertisement content segments for

placement based at least in part on the user information (matching step) (at least Fig. 4;

col. 17, lines 23-41).

50.   Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan.

51.   As per Claim 46.

Logan does not explicitly disclose the server application is further functional to

convert textual data to audio data. However, Logan does disclose the client platform as

doing the conversion (at least col. 5, lines 16-31), which requires less data to transmit

the text from the server to the client. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the use of the

server doing the conversion as this would allow a playback device to do less

computation and processing and in most cases a faster conversion.

52.   As per Claim 93.

wherein the response information includes a response type (eg. public or private

comments) (at least col. 17, lines 55-61).

Response to Arguments

53.   Applicant's arguments filed 28 August 2003 have been fully considered but they

are not persuasive. Applicants argue Logan does not disclose the response information

received from the client as being directed toward a previous segment.

The newly amended limitation is disclosed in Logan at col. 17, lines 42-54. Logan

clearly discloses program segment records wherein the advertiser or content provider is

charged or compensated for the actual playing of the segment by the subscriber. Thus,

after a subscriber has downloaded the content, if they actually listen to it, a response is

recorded in the programs table indicating the previously delivered segment was used.

Further, another interpretation is the class variable of Logan at col. 17 line 55 -

col. 18 line 16. Here the subscriber provides comments or feedback of a segment, thus

responding to the segment.

Further, yet another interpretation in Logan is the use of serialized programs at

Logan col. 18 lines 54-67; wherein the subscriber is downloaded a next installment of a

program according to their previous program they desire and thus responding by

downloading the next installment if the previous installment is viewed.

Conclusion

54.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

55.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hidary (cell phone advertising), Owensby (location-based targeted advertising), Lederman (phone advertising), Thomas (demographic customization with advertising), Tjaden (personalized audio delivery / text-speech), Wynblatt et al (targeted advertising to mobile terminal), Story et al (playback device listening to different segment types), Goldhaber et el (ad response benefits), Mott et al (playback device authentication), Park (PDA-server communications), Ohkubu et al (information associating for searches), Hoyle (computer targeted advertising), and Katz et al (mobile playback device with libraries of data, no advertising) are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

56.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.
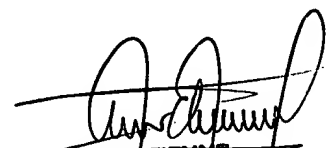
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Gregory Todd

Patent Examiner

Technology Center 2100

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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